IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 33261 of 2006(I)

PETITIONERS:

1.RAPPAI, AGED 50,
S/O.ANTONY, VADAKOODU HOUSE,
PUNNAMPARAMBU DESOM, THEKUMKARA VILLAGE,
TALAPPILLY TALUK, THRISSUR VILLAGE.

2. MARIYAM, D/O.ANTHONY,
CHONADANVEED, PUNNAMPARAMBU DESOM,
THEKUMKARA VILLAGE, TALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1.THEKKUMKARA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, THEKKUMKARA P.O.,
TALAPPILLY TALUK, THRISSUR DISTRICT.

2.STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.C.A.CHACKO
R2 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.33261 of 2006

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Dated: 8th March, 2007

JUDGMENT

This Writ Petition has been filed by the petitioners who have constructed two residential buildings within the area of the 1st respondent-Panchayat seeking a direction to the Panchayat to assign building numbers to their buildings within a time frame.

2. The Panchayat has filed a counter affidavit. In paragraph 4 of the counter affidavit it is stated as follows:

"Even though the building has been constructed in violation of Section 220(b) of the Act, the Panchayat is ready to number the building of the petitioners if they give an undertaking in a stamp paper agreeing to demolish the unauthorised construction iin the event of widening of road and as an when directed by the Panchayat." Counsel for the petitioners submits that the petitioners are ready and willing to submit an undertaking before the Panchayat as required in paragraph 4 of the counter affidavit. Accordingly, the Writ Petition will stand disposed of without going into the merits of the matter directing the petitioners to give an undertaking on stamp paper before the Panchayat agreeing to demolish the buildings in question in the event of widening of the road as and when directed by the

Panchayat and the Panchayat is directed to issue number to the buildings as and when the undertaking is received.

srd **PIUS C.KURIAKOSE, JUDGE**